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|                                  |   |                     |
|----------------------------------|---|---------------------|
| In re Application of             | : | OFFICE OF PETITIONS |
| Rodney Kern et al                | : |                     |
| Application No. 10/006,558       | : | ON PETITION         |
| Filed: December 3, 2001          | : |                     |
| Attorney Docket No. 29020/97035B | : |                     |

This is a decision on the petition under 37 CFR 1.137(b), filed May 17, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed October 15, 2003, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). The reply submitted on April 5, 2004 did not *prima facie* place the application in condition for allowance as noted in the Advisory Action mailed May 6, 2004. Therefore, as no Notice of Appeal (and appeal fee), Request for Continued Examination (RCE) or a continuing application was timely filed. Extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 16, 2004.

The above-identified application is being revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 3634 for processing of the request for continued examination (RCE) under 37 CFR 1.114.

Wan Laymon  
Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy